



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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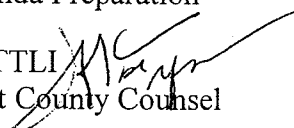
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ANDREA SHERIDAN ORDIN
County Counsel

February 14, 2011

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Sophie Duriez v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 407 364

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Sophie Duriez v. County of Los Angeles, Los Angeles Superior Court Case No. BC 407 364, in the amount of \$200,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Natural History Museum's budget.

This dangerous condition lawsuit arises from injuries sustained from a trip and fall on a sidewalk in the vicinity of the Page Museum.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sophie Duriez vs. County of Los Angeles, et al.
CASE NUMBER	BC407364
COURT	Los Angeles Superior Court Central District
DATE FILED	August 31, 2009
COUNTY DEPARTMENT	Natural History Museum
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Ross, Klein & Marias LLP
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On September 23, 2007, Dr. Duriez tripped and fell over a cracked sidewalk on Curson Street near the Page Museum.</p> <p>Dr. Duriez alleges that the property was in a dangerous condition, because the County was aware of the cracked sidewalk and did not repair it.</p> <p>The County claims that Dr. Duriez would have been aware of the sidewalk's condition and thus excercised due care if she had paid more attention to where she was walking by not talking on her cell phone.</p>

Due to the risks and uncertainties of litigation, the Natural History Museum proposes a full and final settlement of the case in the amount of \$200,000.

PAID ATTORNEY FEES, TO DATE	\$	25,451.00
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PAID COSTS, TO DATE	\$	1,212.24
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Case Name: Sophie Duriez v. County of Los Angeles/ Natural History Museum



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	09/23/2007
Briefly provide a description of the incident/event:	<p>Duriez was talking on her cellular phone while walking on the sidewalk which is parallel to Curson Ave (north of Sixth Street). She never looked down and did not notice the sidewalk defect, when she tripped and fell, landing on her right side and her face.</p> <p>The sidewalk defect was a half inch raise in the concrete slabs caused by tree roots.</p> <p>Originally, the plaintiff's attorney brought suit against the Department of General Services of the City of Los Angeles but it did not have records of inspecting, maintaining, or repairing the sidewalk. The claimant then brought the County of Los Angeles into the matter.</p> <p>An investigation by County Counsel confirmed that the area upon which the incident occurred is county-owned and there is no public easement of any kind.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Displacement of sidewalk concrete slabs due to tree root growth from adjacent trees.

The condition of the sidewalk was not repaired in a timely manner.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

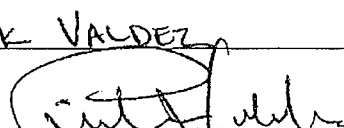
Conduct a daily safety inspection of all sidewalks and walkways. Unsafe conditions are to be reported to management, marked with caution tape (or similar) and corrected immediately.

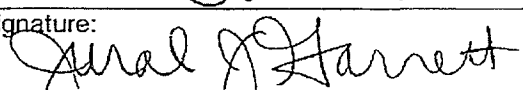
All staff members are trained to immediately report unsafe conditions to management for repairs.

Maintenance staff is to make repairs when possible (ranking system to be used). Jobs that are beyond the scope of museum staff will be contracted for completion as soon possible.

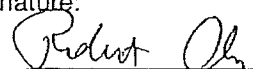
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ X - Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Rick Valdez	
Signature:	Date:
	08/31/10

Name: (Department Head)	
Jural J. Garrett	
Signature:	Date:
	9/2/10

Chief Executive Office Risk Management

Name:	
Robert Chavez	
Signature:	Date:
	8/27/10

Corrective Action Plan



1. General Information

Date CAP document prepared:	07/20/10
Department:	Natural History Museum of Los Angeles County
Name of departmental contact person:	Rick Valdez
• title:	Security and Safety Specialist
• phone number:	213-763-3541
• e-mail:	rvaldez@nhm.org

2. Incident/Event Specific Information

Date of incident/event:	09/23/2007
Location of incident/event:	Page Museum at the La Brea Tar pits
Event contact person:	Rick Valdez
• phone:	213-763-3541
• e-mail:	rvaldez@nhm.org
Claim adjuster: (Third Party Administrator or County Counsel):	Silvia Hernandez (Carl Warren and Company).
• phone number:	818-247-2206 (x-6751)
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Vicki Kozikoujekian
• phone number:	213-974-8208

3. Incident/Event Description:

Nature of incident/event:	Trip and Fall on uneven/ raised displacement on sidewalk.
Provide a brief description of the incident/event:	<p>Duriez was talking on her cellular phone while walking on the sidewalk which is parallel to Curson Ave (north of Sixth Street), She never looked down and did not notice the sidewalk defect, when she tripped and fell, landing on her right side and her face. The sidewalk defect was a half inch raise in the concrete slabs caused by tree roots.</p> <p>Originally, the plaintiff's attorney brought suit against the Department of General Services of the City of Los Angeles but it did not have records of inspecting, maintaining, or repairing the sidewalk. The claimant then brought the County of Los Angeles into the matter.</p> <p>An investigation by County Counsel confirmed that the area upon which the incident occurred is county-owned and there is no public easement of any kind.</p>

- ☐ Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

Note: The Natural History Museum was first advised of the incident through an inquiry from County Risk Management over a year after the repairs to the sidewalk had already been made.

4. Corrective Action Plan Problem Statement

The sidewalk was believed to be LA City property. Since 2006, Museum Administration made numerous requests for the city to make repairs to the unsafe and unsightly sidewalk. The condition continued to worsen.

After numerous unsuccessful attempts to have the city make the repairs, the Natural History Museum had some funds available in 2008 and contracted Great American Builders, Inc. to remove and replace the sidewalk. The sidewalk project was completed on June 19th, 2008.

The Natural History Museum became aware that the County owned the sidewalk on February 16th, 2010. County Counsel confirmed County ownership during investigation of the claim.

5. Root Cause Analysis

Root Cause Analysis tool used:	
Incident/event root causes:	<p>Displacement of the concrete slab due to tree growth from adjacent trees.</p> <p>The condition of the sidewalk was not repaired in a timely manner.</p>

- ☐ Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

6. Corrective Action Plan Steps

Task number:	1
Task name:	Daily Safety Inspection
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Duty Maintenance Staff
Task description:	Conduct a daily safety inspection of all sidewalks and walkways. Unsafe conditions are to be reported to management, marked with caution tape (or similar) and corrected immediately.

Task number:	2
Task name:	All staff members are trained to immediately report unsafe conditions to management for repairs.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Management
Task description:	Maintenance staff is to make repairs when possible. Jobs that are beyond the scope of museum staff will be contracted for completion as soon possible.

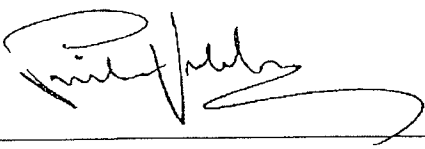
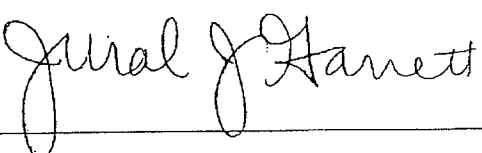
County of Los Angeles
Corrective Action Plan

Task number:	3
Task name:	Implementation of a ranking system to categorize identified hazards by severity for repairs.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Management and Staff collaboration.
Task description:	Staff and Management will meet to discuss the priority of unsafe conditions in need of repair. Until repairs are made any condition of this type will be marked with caution tape (or similar) until corrected.

* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		08/31/10
Document reviewed by department head or designee.		9/13/10